REMARKS

The Patent Office has asserted that there is no single inventive concept uniting the following seven groups of claims.

1) Group I (claims 1-19, 27, and 28), drawn to an antibody specific for LAR, its hybridoma, and methods of making such an antibody;

2) Group II (claims 20-23, and 26), drawn to a method of determining LAR quantities;

3) Group III (claims 24-26), drawn to a method of producing LAR;

4) Group IV (claims 29-31), drawn to a method of diagnosing thyroid carcinoma using an anti-LAR antibody;

5) Group V (claim 32), drawn to the use of an anti-LAR antibody composition in the histological diagnosis of thyroid carcinoma;

6) Group VI (claims 33-38), drawn to DDS formulations comprising an anti-LAR antibody for targeted delivery to thyroid carcinomas; and

7) Group VII (claim 39), drawn to diagnostic methods comprising the measurement of LAR expression.

In particular, the Patent Office asserts that anti-LAR antibodies are anticipated (i.e., lack novelty) in view of Schlessinger (WO 92/01050), which the Patent Office characterizes as teaching LAR and antibodies specific for LAR. Accordingly, based upon this position, the Patent Office asserts that there is no unifying feature between the seven groups of claims.

A. Election of Claims

In the event that the Patent Office maintains the present restriction requirement, Applicants elect Group I (claims 1-19, 27 and 28) with traverse.

B. Traversal of Restriction Requirement

Contrary to the Patent Office's position, Schlessinger does not teach any antibodies with specificity to LAR and, therefore, the restriction requirement is inappropriate because the

antibodies are novel and serve as the unifying feature between the designated groups of claims. The disclosure in Schlessinger is of R-PTPase-α, -β, and -γ and antibodies against epitopes of these proteins. Schlessinger expressly states that LAR is not a contemplated R-PTPase and that R-PTPase-α, -β, and -γ have only approximately 30-50 % identity with LAR at the phosphatase domains, which can be seen in Table 4 of Schlessinger. Disclosing antibodies specific for proteins that have between 30-50 % identity with a domain of LAR does not suggest nor teach antibodies specific for LAR. Accordingly, the presently claimed antibodies specific for LAR are not anticipated over the prior art and, therefore, the novel antibodies specific for LAR serve as the technical feature that unifies the seven groups of claims into a single inventive concept.

Examination of Group I claims will determine the propriety of the assertion that Schlessinger renders Applicants' claimed products anticipated or obvious. A finding that any Group I claims are novel and nonobvious would prove that the Restriction was inappropriate; the products would act as the single inventive concept unifying the designated groups of claims. For this reason, the Applicants request withdrawal of the Restriction Requirement at such time that subject matter of Group I is deemed allowable over the prior art.

Additionally, the provision on 1184 OG 86 (March 26, 1996) provides for rejoinder of process claims (e.g., claims of Groups II-V and VII) upon allowance of elected product claims, as long as the pending process claims are commensurate in scope with the allowed product claims. Since the process claims are commensurate in scope with the product claims, upon allowance of the product claims, Applicants hereby request rejoinder of the process claims (even if the Restriction is maintained).

Therefore, Applicants submit that the Patent Office consider examination of all process claims (claims 20-26, 29-32, and 39) based upon the guidance provided in this notice.

Respectfully submitted,

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September 24, 2001

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